Single Bench

IN THE HIGH COURT OF CHHATTISGARH, AT- BILASPUR

M. C. C. NO. 421 OF 2006

SECOND APPEAL NO. 51 OF 1990

APPELLANT (PLAINTIFF) : AMBIKA PRASAD SHARMA,
AGED – 69 YEARS
SON OF LATE MOHAN LAL
R/O TEACHERS COLONY, DAGANIA,
RAIPUR, TAHSIL & DISTRICT –RAIPUR
(C. G.)

VERSUS

RESPONDENTS (DEFENDANTS) : 1. SMT. KAUSHALYA BAI,
W/O LATE JAGAT NARAYAN PANDEY
R/O AMINPARA, RAIPUR,
TAHSIL & DISTRICT – RAIPUR (C. G.)

2. KRISHNA KUMAR
S/O MOHAN LAL
R/O SANTRABADI, DURG,
TAHSIL & DISTRICT – DURG (C. G.)

OTHER ADDRESS :-

BEHIND LAXMINARAYAN MANDIR
GALI, POLSAI PARA, DURG,
TAHSIL & DISTRICT – DURG (C. G.)

R. No. 3299/06 Presented by Shri Vijendra Sandhawar dated 11/8/06

APPLICATION UNDER ORDER – 9, RULE – 9, CODE OF CIVIL PROCEDURE, FOR RESTORATION OF SECOND APPEAL 51/90

XI-HC-22

(8)

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.C.C. 421 **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11/01/2007

Shri R.K. Kesharwani, counsel for the petitioner.

Shri Sunil Sahu, counsel for respondent No.1

None for respondent No.2 though served.

Heard on M.C.C.No. 421/2006 i.e., application for restoration of S.A.No.51/90. This Court vide order dated 22/07/2005 passed in S.A.No.51/90 dismissed the appeal for want of appearance of the appellant.

The reasons assigned by the appellant is that SPC was not served on him. The application is duly supported by an affidavit. There is nothing to rebut the above fact.

Having considered the reasons assigned in the petition duly supported by an affidavit, M.C.C.No. 421/2006 is allowed and the order dated 22/07/2005 passed in S.A.No.51/90 is set aside and S.A.No.51/90 is restored to its original number.

A copy of this order be kept in the file of S.A. No. 51/90.

Sd/-
V.K.Shrivastava
Judge

Raju

(पीछे देखिये)

15/01/07